

ARTICLE 33

FURLOUGHS

1. This article sets forth procedures that will be followed if Management determines it necessary to furlough career employees because of lack of work or funds or other nondisciplinary reasons.
2. Management will notify the Union at the appropriate level(s), depending on the scope of a proposed furlough, at least 15 days before the employees are notified. At that time, Management will advise the Union of the reason for the furlough; the number, names, titles, series, and grade of all employees affected; and the measure that Management proposes to take to reduce the adverse impact on employees. The employees will be given specific notice (30-days notice for furlough of less than 30 days, 60 days for furloughs in excess of 30 days).
3. Furlough documents will be made available to the affected employee and to the Union.
4. The following furlough matters are appropriate for negotiations between the parties at the appropriate level:
 - a. The content of furlough notices.
 - b. The content of solicitation of volunteers for furlough.
 - c. Scheduling of consecutive or nonconsecutive furlough days.
 - d. Programs for counseling employees about furloughs and unemployment compensation, benefits, etc.
 - e. Provisions for keeping the Union informed of furlough developments.
 - f. Any impacts on Union representation during the furlough.
 - g. The process for recall from furlough.

5. Management will not schedule the number of workdays per week for the purpose of disqualifying furloughed employees from unemployment compensation.

6. Furloughs for More Than 30 Days:

- a. Where furlough involves only a segment of an organization within a commuting area and the furloughs are for more than 30 days, Management will consider the following:
 - (1) Detailing or reassigning employees to vacant positions.
 - (2) Restructuring of positions, including unfilled trainee positions to allow adversely affected employees to fill positions.
 - (3) Waiving qualifications in order to assign an employee subject to furlough to a vacancy for which he or she might not otherwise qualify.
- b. Management will not fill a vacant position, except by internal placement, when an employee on furlough in the same competitive area is qualified and available for a position at the same or lower grade from which they were furloughed.
- c. If Management elects to use any of the above options in Section 6.a, the Local Union will be entitled to negotiate appropriate arrangements for implementation.

7. Identification of Furloughed Employees:

- a. Furloughs of 30 days or less:
 - (1) Volunteers: When it has been determined to furlough some, but not all, employees in the same competitive level within one Bargaining Unit, Management agrees to first solicit volunteers. If more volunteers are available than furloughed positions, selection will be based on the service computation date (SCD) starting with the

longest reduction-in-force (RIF) service computation. Nonselection of volunteers will be based on legitimate job-related reasons.

(2) If a sufficient number of volunteers are not available for furloughed positions, selection for furlough beyond the volunteers will be based on SCD starting with the least RIF service computation.

- b. Furloughs for more than 30 days will be performed in accordance with Title 5, Code of Federal Regulation, Section 351 (5 C.F.R. 351) and Office of Personnel Management (OPM) guidance.

8. Recall of Employees From Furlough:

- a. Furloughs of 30 days or less: When Management recalls employees to duty in the same competitive level as defined in Article 35, from which they were furloughed, it will be in order of SCD ranking starting with the longest RIF service computation. Recall from furlough for placement in other competitive levels is determined by the qualifications, availability, and SCD ranking of the furloughed employee.
- b. Furloughs for more than 30 days will be performed according to 5 CFR 351 and OPM guidance.

9. Employees on furlough have rights at least equal to those they would have had if they had been separated and placed on the reemployment priority list.

10. An Internet-based site and a toll-free number will be established to give furloughed employees a “place” to get updates on furloughs when away from work.

11. Employees will be asked to provide SHRO and supervisors with updated contact information for callbacks (for example, phone number, personal e-mail address, address, etc.).

12. Scheduling:

- a. For furloughs of 30 days or less (short furlough), the total number of days that the employee may be furloughed shall not exceed 30 days (if consecutive) or 22 workdays (if noncontinuous).
- b. Furloughs can be for consecutive or nonconsecutive days normally at the employee's option. Management will inform the employees how many consecutive days of furlough will qualify them for unemployment benefits. Management will consider employee personal needs such as child care and outside employment as relevant factors in determining which days will be worked during nonconsecutive furloughs. Furloughs will be recorded in the correct manner to ensure unemployment benefits are afforded to eligible employees.
- c. Management may reduce the number of days of the furlough if it finds that fewer days are necessary due to changed circumstances. To increase the number of days, a new notice and identification process is required. The parties will negotiate as appropriate.

13. Leave During Furloughs:

- a. For hardship cases, Management will consider deferring a furlough for employees on sick leave.
- b. The provisions of leave restoration will apply to "use it or lose it" annual leave.
- c. Employees shall have the option of electing days of leave without pay in place of furlough.

14. Emergency Furloughs: Consistent with 5 CFR 752.404(d)(2), advance written notice to employees with an opportunity to answer are not necessary for furlough without pay due to unforeseeable circumstances, such as equipment breakdown, act of God, or sudden emergencies requiring the immediate curtailment of activities. When Management is made aware of a possible Government shutdown, it will:

- a. Notify the Union and provide copies of any official notices that advise the agency of a potential furlough.
 - b. Provide Bargaining Unit employees potentially affected by such a furlough with written information addressing their rights, benefits, and obligations.
- 15.** Management may accept voluntary service to perform the work of a furloughed Bargaining Unit employee only if authorized by law.